

EXHIBIT 5:

Declaration of Dr. Julie Thomas

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF INDIANA
NEW ALBANY DIVISION**

MONROE COUNTY BOARD
OF COMMISSIONERS, et al.,

Plaintiffs,

v.

UNITED STATES FOREST SERVICE, et al.,

Defendants.

Case No. 4:23-cv-00012-TWP-KMB

Declaration of Dr. Julie Thomas

1. I am a Commissioner on the Monroe County Board of Commissioners, which is a plaintiff in the above-captioned case. I am submitting this declaration in support of Plaintiffs' *Motion for Preliminary Injunction* in this matter, which challenges the U.S. Forest Service's Houston South Vegetation Management and Restoration Project ("the Project").

2. Along with the other Commissioners, I represent the legislative and executive branches of county government in Monroe County, Indiana. The Board of Commissioners serves every resident of Monroe County, which has an estimated population of 140,000 people. I have served in this role since 2012. Prior to serving as a Commissioner—from 2009 to 2012—I served on the Monroe County Council, which is the fiduciary body of county government. Since 2009, I have served as a member of the Monroe County Planning Commission, as well as a member of the Monroe County Stormwater Board since December 2012. I am also a member of the Lake Monroe Watershed Steering Committee, and in that role I worked closely with governmental and non-governmental partners in the preparation of the 2022 Lake Monroe Watershed Management Plan. In these capacities, I have become intimately familiar with issues related to water quality,

erosion, sedimentation, nutrient loads, and public health, especially as those issues pertain to Monroe County's residents.

3. The Hoosier National Forest and Lake Monroe are critically important to the residents and businesses of Monroe County. Our residents engage extensively in significant, meaningful recreational opportunities in the Hoosier National Forest (including the Project area where the Forest Service will burn and log in 2023 absent an injunction), as well as water-based recreation in Lake Monroe. Lake Monroe has a 420-square-mile watershed, with forests comprising 82% of the total watershed area. Due to the hilly and highly erodible nature of this forested terrain, the thin soil from these forested areas is especially prone to erosion into the Lake Monroe watershed. As a result, Monroe County planning and zoning regulations specifically take this information into account when any residential or business developments are proposed in the Lake Monroe watershed.

4. Lake Monroe and several of its primary tributaries (which flow through the Hoosier National Forest, including in the Project area) are formally designated as federally impaired under the Clean Water Act due to significant contributions of sediments and other pollutants from human-caused activities such as forest management and agriculture. To preserve and protect Lake Monroe as a long-term, sustainable resource into the future for our residents, Monroe County has worked diligently to establish and maintain standards that can help reverse the degraded condition of Lake Monroe over time, including through preparation and implementation of the 2022 Lake Monroe Watershed Plan. Monroe County also educates the public about practices on private land (including forest management) that can help reduce new sediment and nutrient load contribution into Lake Monroe.

5. There is extensive, widespread public interest in protecting Lake Monroe both because it is the sole drinking water supply for most of Monroe County's residents and because of the unique and unparalleled water-based recreational opportunities it provides in this part of Indiana. One of Monroe County's most serious concerns with the Forest Service's Project is the permanent loss of significant recreational opportunities for Monroe County residents who use portions of the Project area in the Hoosier National Forest and/or Lake Monroe on a regular basis. These areas are essential components of the quality of life for our county's residents. Most recreational opportunities in the Forest and on Lake Monroe are free, and several studies have demonstrated the overwhelmingly positive impact of green and blue spaces (forests and lakes), including improvements in mental health (reduced loneliness, improved ability to concentrate) and physical health (reduced blood pressure, reduced risk of developing cardiovascular disease). By fundamentally altering the natural, peaceful condition and character of these parcels of the Hoosier National Forest, and by taking actions that will contribute large amounts of new sediment and other pollutants to Lake Monroe, the Project will permanently impair the health, well-being, and recreational enjoyment of Monroe County's residents.

6. Another of Monroe County's most significant concerns related to the Forest Service's Project is that there will be vast increases in sedimentation and nutrient load from erosion and runoff, as has been documented and observed with similar forestry management projects throughout Indiana (even when those projects have used best management practices similar to those proposed here). Due to the new influx of sediment and other pollutants from Project activities that will reduce vegetation and thereby allow significantly increased erosion and runoff into the Lake Monroe watershed, there will be larger and more algal blooms in Lake Monroe that endanger the health, safety, and welfare of Monroe County residents (and pets).

Because the lake is already degraded—although the 2022 Watershed Management Plan aims to take concrete steps to reverse that condition over time—algal blooms resurface annually from the spring through the fall. Algal blooms impact recreational activities (swimming and boating), and they also impact the quality of the drinking water for Monroe County’s residents. In each of the past eleven years, Lake Monroe has failed to meet federal clean water standards, which threatens the health of those exposed to this water through recreational activities or through drinking water that must be treated with ever-higher levels of chemical disinfectants that can interact with algae and result in highly toxic byproducts in the drinking water. Rather than taking steps to eliminate or reduce new sediment and pollutants in Lake Monroe consistent with the 2022 Lake Monroe Watershed Management Plan, the Forest Service’s Project will greatly exacerbate the public health and safety concerns to Monroe County’s residents due to the deforestation of thousands of acres in the Lake Monroe Watershed, which will denude areas of vegetation, leave toxic ash in prescribed burn areas, and allow these materials to be swept into the Lake Monroe watershed during precipitation events.


7. In addition to the detrimental, irreparable impacts that the Project will have on county residents’ recreational, health, and safety interests, it will also cause severe economic harm to local businesses that rely upon the health of the Hoosier National Forest and Lake Monroe. For instance, the economic impact of Lake Monroe is reflected in the need of every business and farm for a safe, high-integrity drinking water supply. Our county’s largest employers—Indiana University, IU Health-Bloomington Hospital, and Baxter Pharmaceuticals—rely heavily on clean drinking water from Lake Monroe. In addition, Lake Monroe is one of the top three destinations in Monroe County, along with Indiana University and downtown Bloomington. Approximately 20% of tourists who visit Monroe County go to Lake

Monroe. It is estimated that more than \$50 million is spent annually by tourists in Monroe County specifically tied to Lake Monroe (with even more tied to the Hoosier National Forest and its abundant recreational opportunities).

8. I have closely reviewed the declarations of Jeff Stant and Dr. Sherry Mitchell-Bruker. As a long-time Monroe County Commissioner working on stormwater and related issues, it is my professional opinion that Mr. Stant's and Dr. Mitchell-Bruker's assessments of the irreparable, destructive, and irreversible nature of the harms to the affected parcels of the Hoosier National Forest and Lake Monroe are accurate, and will likewise permanently impair the interests of roughly 140,000 Monroe County residents that I represent (as well as many Monroe County businesses). This Project—if not enjoined by the Court—will result in extremely damaging effects to the natural environment, wildlife habitat, recreational opportunities, water quality, public health, and safety, which would rise to a level of danger to such interests that I have never before encountered with respect to a single project proposal during my 14 years of public service. For all of these reasons, a preliminary injunction to maintain the status quo pending resolution of this case on the merits is necessary to prevent significant, irreparable harm to the paramount interests of the constituents that the Monroe County Commissioners were elected to safeguard.

Pursuant to 28 U.S.C. § 1746, I hereby I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge and belief.

Executed on: 14 FEBRUARY 2023


Dr. Julie Thomas, Monroe County
Commissioner